

**Appl. No. 09/483,063
Amdt. dated June 30, 2005
Reply to Office action of March 31, 2005**

REMARKS/ARGUMENTS

Applicants have received the Office action dated March 31, 2005, in which the Examiner: 1) rejected claims 1-18 and 24 under 35 U.S.C. § 103(a) as being unpatentable over Bohannon et al. (U.S. Pat. No. 6,134,324) in view of Mullor et al. (U.S. Pat. No. 6,411,941); 2) rejected claims 19 and 25 under 35 U.S.C. § 103(a) as being unpatentable over Bohannon in view of Mullor and further in view of Colvin (U.S. Pat. No. 6,857,078); and 3) rejected claims 20-23 under 35 U.S.C. § 103(a) as being unpatentable over Day et al. (U.S. Pat. No. 6,016,400) in view of Bohannon.

With this Response, Applicants have amended claims 15, 17, 19, 24-25 and canceled claims 1-14 and 20-23. Also, Applicants have added claims 26-40. Claims 15-19 and 24-40 are pending. Based on the amendments and arguments contained herein, Applicants respectfully request reconsideration and allowance of the pending claims.

I. CLAIM REJECTIONS

Amended claim 15, in part, requires "receiving, by a manufacturer of the computer system, an order for the computer system from one of a customer and a vendor." Claim 15 further requires "writing a set of software products onto a digital storage device, said set of software products containing at least one custom-ordered software product and other software products," "assigning a unique identifier for each software product in said digital storage device," and "writing, by the manufacturer of the computer system, only the identifiers of said custom-ordered software products into the non-volatile memory of said computer system." Claim 15 further requires "shipping together, by the manufacturer of the computer system, the computer system and the digital storage device to the customer or vendor."

Bohannon teaches distributing software products to an Electronic Computer-Aided Design (ECAD) system. The software products are distributed on a CD-ROM and are accessible using a "site configuration file" provided on a separate storage media such as a floppy disk (see col. 4, lines 55-60 and col. 5, line 56 - col. 6, line 9). Also, Mullor teaches a method of restricting software

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operation within a license limitation. The method stores a computer identification (ID) or key in a first non-volatile memory and stores encrypted license records in a second non-volatile memory. To run a program on a computer a license record is verified by decrypting the license record using the key (see col 1, line 38 – col. 2, line 26).

Neither Bohannon nor Mullor teaches or suggests that a manufacturer of a computer system is "receiving...an order for the computer system," "writing...only the identifiers of said custom-ordered software products into the non-volatile memory of said computer system" and "shipping together...the computer system and the digital storage device to the customer or vendor" as required in claim 15. None of the references cited by the Examiner, nor combinations of the references, teaches or suggests these limitations. For at least this reason, Applicants submit that claim 15 and all claims that depend from claim 15 are allowable.

Amended claim 24, in part, requires "storing, by the computer manufacturer, the unique identifiers of the requested software products in a non-volatile memory of the computer system, but not storing unique identifiers of the unrequested software products in the non-volatile memory" and "shipping simultaneously, by the computer manufacturer, the computer system along with the digital storage media to the customer or vendor." Claim 24 further requires "if necessary, performing a software recovery of the requested software products by comparing the unique identifiers stored in the non-volatile memory with unique identifiers of the requested software stored by the digital storage media" and "if necessary, installing a previously unrequested software product stored on the digital storage media by adding the previously unrequested software product's unique identifier into the non-volatile memory after said shipping."

As described above, Bohannon teaches distributing software products on a CD-ROM and making the software products accessible using a "site configuration file" provided on a separate storage media such as a floppy disk. Also, Mullor teaches restricting software operation based on encrypted license records. However, neither Bohannon nor Mullor teaches or suggests "a computer

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manufacturer" that is "storing...the unique identifiers of the requested software products in a non-volatile memory of the computer system, but not storing unique identifiers of the unrequested software products in the non-volatile memory" and "shipping simultaneously...the computer system along with the digital storage media to the customer or vendor" as required in claim 24.

Further, neither Bohannon nor Mullor teaches or suggests "if necessary, performing a software recovery of the requested software products by comparing the unique identifiers stored in the non-volatile memory with unique identifiers of the requested software stored by the digital storage media" as required in claim 24. None of the references cited by the Examiner, nor combinations of the references, appears to teach or suggests the above limitations either individually or in combination. For at least these reasons, Applicants submit that claim 24 and its dependent claim 25 are allowable.

Claim 26, in part, requires "obtaining, by a computer manufacturer, unique identifiers for each of a plurality of software products" and "encoding, by the computer manufacturer, the unique identifiers into a non-volatile memory of a computer system." Claim 26 further requires "shipping simultaneously, by the computer manufacturer, the computer system along with a digital storage media to one of a customer and a vendor, the digital storage media storing a backup copy of the plurality of software products, wherein the software products are installable by accessing the unique identifiers in the non-volatile memory."

None of the references cited by the Examiner, nor combinations of the references, appears to teach or suggest "a computer manufacturer" that is "obtaining...unique identifiers for each of a plurality of software products," "encoding...the unique identifiers into a non-volatile memory of a computer system" and "shipping simultaneously...the computer system along with a digital storage media to one of a customer and a vendor, the digital storage media storing a backup copy of the plurality of software products, wherein the software products are installable by accessing the unique identifiers in the non-volatile memory" as required in claim 26. For at least these reasons, Applicants submit that claim 26 and all claims that depend from claim 26 are allowable.

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II. CONCLUSIONS

In the course of the foregoing discussions, Applicants may have at times referred to claim limitations in shorthand fashion, or may have focused on a particular claim element. This discussion should not be interpreted to mean that the other limitations can be ignored or dismissed. The claims must be viewed as a whole, and each limitation of the claims must be considered when determining the patentability of the claims. Moreover, it should be understood that there may be other distinctions between the claims and the cited art which have yet to be raised, but which may be raised in the future.

Applicants respectfully request reconsideration and that a timely Notice of Allowance be issued in this case. It is believed that no extensions of time or fees are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required (including fees for net addition of claims) are hereby authorized to be charged to Hewlett-Packard Development Company's Deposit Account No. 08-2025.

Respectfully submitted,



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